

Senate Bill No. 1018

Passed the Senate August 21, 2014

Secretary of the Senate

Passed the Assembly August 20, 2014

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 405, 5915, and 5918 of the Food and Agricultural Code, relating to pest control.

LEGISLATIVE COUNSEL'S DIGEST

SB 1018, De León. Pest control: citrus disease prevention.

(1) Existing law authorizes the Department of Food and Agriculture, with the prior approval of the Department of Fish and Wildlife and the State Department of Health Care Services, to reproduce or distribute biological control organisms that are not detrimental to the public health and safety that are known to be useful in reducing or preventing plant or animal damage due to pests or diseases. Existing law prohibits the department from engaging in the production of beneficial organisms when those organisms are available for purchase from commercial sources.

This bill would instead prohibit the department from engaging in the production of beneficial organisms when those organisms are available in sufficient amounts for purchase from commercial sources.

(2) Existing law creates in the department the California Citrus Pest and Disease Prevention Committee and provides for its continuation, and that of the California Citrus Pest and Disease Prevention Program, every 4 years subject to a referendum of the citrus producers on or before June 30, 2013, and every 4 years thereafter. Pursuant to this referendum the department has extended the citrus pest and disease prevention program for an additional 4 years. Under existing law, the committee is required to develop and make recommendations to the Secretary of Food and Agriculture on all matters regarding the implementation of the citrus pest and disease prevention program.

This bill would prohibit the secretary from altering any citrus pest and disease prevention program or activity submitted by the committee to, and approved by, the secretary without first notifying the committee of the alteration.

(3) Existing law requires the committee to reimburse the secretary for all expenditures incurred by the secretary in carrying out his or her duties and responsibilities pursuant to the citrus pest

and disease prevention program, including the costs of implementing and administering the administrative, enforcement, and regulatory recommendations of the statewide work plan developed by the committee.

This bill would require that all expenditures be reasonable and would prohibit the secretary from seeking reimbursement for costs that exceed expenditures developed by the committee without first notifying the committee of the additional expenditures.

The people of the State of California do enact as follows:

SECTION 1. Section 405 of the Food and Agricultural Code is amended to read:

405. (a) With the prior approval of the Department of Fish and Wildlife and the State Department of Health Care Services, the department may reproduce or distribute biological control organisms that are not detrimental to the public health and safety that are known to be useful in reducing or preventing plant or animal damage due to pests or diseases.

(b) The department shall not engage in the production of beneficial organisms when those organisms are available in sufficient amounts for purchase from commercial sources.

SEC. 2. Section 5915 of the Food and Agricultural Code is amended to read:

5915. (a) The powers and duties of the committee are limited to activities involving the producers of citrus fruit and residential owners of citrus fruit or other host material.

(b) The committee may do all of the following:

(1) Develop, subject to the approval of the secretary, a statewide citrus specific pest and disease work plan that includes, but is not limited to, the following:

(A) Informational programs to educate and train residential owners of citrus fruit, local communities, groups, and individuals on the prevention of pests, and diseases and their vectors, specific to citrus.

(B) Programs for surveying, detecting, analyzing, and treating pests and diseases specific to citrus involving producers of citrus fruit and residential owners of citrus fruit and host materials, except as provided in Section 5930.

(2) Submit recommendations to the secretary on, but not limited to, the following:

(A) Annual assessment rate.

(B) Annual budget.

(C) Expenditures necessary to implement the statewide work plan developed pursuant to this section.

(D) The amount of fees to be levied, as provided in Section 5919.

(E) The receipt of money from other sources to pay any obligation of the committee and to accomplish the purposes of the committee in the manner provided in this article.

(3) Recommend to the secretary the adoption of regulations consistent with the powers and duties of the committee.

(c) The committee shall not engage in any activity deemed by the secretary to be contradictory to any eradication program or quarantine implemented to combat citrus specific pests, diseases, or related vectors.

(d) For any program or activity occurring pursuant to this section, the department shall be the lead agency, unless an agreement is reached between the committee and the secretary to authorize another agency within the state or local government to act as lead for specific activities.

(e) Any program or activity submitted by the committee to, and approved by, the secretary pursuant to this section shall not be altered without first notifying the committee of the alteration.

SEC. 3. Section 5918 of the Food and Agricultural Code is amended to read:

5918. (a) The committee shall reimburse the secretary for all reasonable expenditures incurred by the secretary in carrying out his or her duties and responsibilities pursuant to this article, including the costs of implementing and administering the administrative, enforcement, and regulatory recommendations of the statewide work plan developed by the committee.

(b) The secretary shall not seek reimbursement for costs that exceed expenditures developed by the committee without first notifying the committee of the additional expenditures.

Approved _____, 2014

Governor